

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 10-46513

CHRISTOPHER LEE McKENZIE,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on "Debtor's Motion to Reinstate Chapter 7 Bankruptcy Petition," filed on March 19, 2010 (Docket # 19, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the March 12, 2010 Order dismissing this case (Docket # 17), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. First, this case was not dismissed because of the failure to file a corrected Bankruptcy Petition Cover Sheet, as alleged in the Motion. Rather, the case was dismissed because of the failure by Debtor's counsel to timely file a corrected Rule 2016(b) statement. (The version originally filed, at Docket # 1, was not signed by Debtor's

attorney. A deficiency notice was issued on March 4, 2010, at Docket # 9). That deficiency still has not been corrected.¹

Second, the Motion has several other errors in it, including several typographical errors, and including the wrong Judge name in the caption (Shapero instead of Tucker); and a request to reschedule this case "for confirmation hearing," even though this is a Chapter 7 case. All of this suggests that Debtor's counsel still is not paying sufficient attention to detail in this case.

Third, neither the dismissal of this case nor this order precludes Debtor from filing a new bankruptcy case. In any such refiled case, however, Debtor's counsel should pay very careful attention to detail, to avoid the many deficiencies and errors that occurred in this case.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on March 22, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

¹ To the extent the dismissal of this case was caused by neglect or mistake by Debtor's attorney, rather than personally by Debtor, any such neglect or mistakes by Debtor's attorney is generally chargeable to the Debtor, for purposes of determining whether any such neglect or mistake is excusable. *See, e.g., Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 396-97 (1993)(in determining whether "excusable neglect" is shown, "the proper focus is upon whether the neglect of [the movants] *and their counsel* was excusable" (italics in original)).